



**U.S. Department of Housing and Urban Development  
(HUD)**

Los Angeles Area Office, Pacific/Hawaii  
611 West 6<sup>th</sup> Street, Suite 801  
Los Angeles, CA 90017

June 16, 2011

**VIA E-MAIL**

Mr. David Barish, Co-Director  
We ARE Marina del Rey  
P.O. Box 9096  
Marina del Rey, CA 90295

RE: Freedom of Information Act (FOIA) Disclosure  
Control No. 11-FI-R09-01387

Dear Mr. Barish;

Thank you for your letter dated June 13, 2011 regarding the disclosures made in HUD's April 15, 2011 response ("HUD's Response") to your Freedom of Information Act (FOIA) request dated March 23, 2011 (the "Request") and our office's letter dated June 9, 2011. We greatly appreciate your willingness to cease and desist in any further disseminations, disclosure, distribution, discussion, use, and/or copying of the documents provided in HUD's Response, and/or the information contained therein, to any third party until this matter has been fully resolved.

At this time our office has determined that in processing your Request the appropriate procedures were not observed pursuant to HUD's FOIA regulations found at 24 CFR part 15, specifically, the process outlined at 24 CFR § 15.108. Additionally, in your Request you stated:

"Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of all loan documents, including the loan guarantee and subordination provisions, for the Shores residential development project in Marina del Rey, CA."

After further review of your Request and the documents provided to you in HUD's Response it is the determination of our office that the subject documents are not, and were not, loan documents and therefore are beyond the scope of your request. (A list of the documents subject to this determination is attached hereto as "Attachment A".) In light of this fact and the Submitter's allegations that confidential commercial and financial information has been improperly disclosed we herein demand that all of the above referenced documents, provided in HUD's Response to your Request, and any copies thereof, within your and/or We ARE Marina del Rey's possession and/or control, be returned to HUD immediately.

Additionally, it has been brought to our attention that portions of documents provided to you and information contained therein has been disseminated to various community members and was posted on the following website: <http://fulldisclosure.net/Documents/HUD-1.pdf>. Therefore, we demand that you provide us with the name, address and phone number of the community member(s) to whom you lent the subject documents; so that we may determine the full extent to which this information has been disseminated and disclosed. Furthermore, it should be noted that our office has been requested by Submitter's counsel to inform you that further use, retention, and/or release of the documents and/or the information contained therein may subject your organization and any third party recipient of said documents and/or information contained therein to legal action by the Submitter.

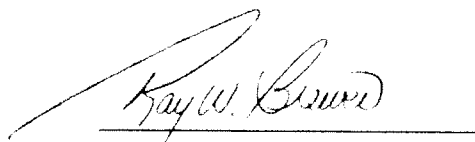
We once again demand that the aforementioned documents and information be provided to this office, at the following address, within three (3) business days.

Attention: Ray W. Brewer, Field Office Director  
U.S. Department of Housing & Urban Development  
Office of the General Counsel  
611 West 6<sup>th</sup> Street, 8<sup>th</sup> Floor  
Los Angeles, CA 90017

Finally, to ensure that we do not violate our FOIA obligations to your organization our office is currently reprocessing your Request. We are taking every possible precaution to ensure that the Request is properly processed and that all the information provided is fully responsive to your Request, under the law.

We reiterate that this is an extremely serious matter that requires the urgent and immediate attention of you and your staff. Please contact Edward J. Campbell, Attorney-Advisor, Los Angeles Office of Counsel at 213-534-2554 or via email at [Edward.J.Campbell@hud.gov](mailto:Edward.J.Campbell@hud.gov) if you have any additional questions regarding this letter. Thank you for your cooperation in addressing this matter. We look forward to hearing from you.

Sincerely,

  
Ray W. Brewer  
Field Office Director

## **ATTACHEMNT A**

### **Documents Beyond the Scope of We ARE Marina del Rey's FOIA Request**

- 1) Firm Application Underwriting Narrative 02/14/11 **[18 pages]**
- 2) Mortgage Credit Review **[8 pages]**
- 3) Firm Application Underwriting Narrative 01/20/11 **[17 pages]**
  - a. Exhibit A: Ground Lease Review – MAP Guide Chapter 7.16 **[2 pages]**
  - b. Exhibit B: Projection of Stabilized Cash Flow **[2 pages]**
  - c. Exhibit C: Calculation of Operating Deficit **[1 page]**
  - d. Exhibit D: Analysis of the Remaining Useful Life of Short –Lived Building Components **[2 pages]**
- 4) Mortgage Credit Review **[7 pages]**
- 5) Management Agent Review **[2 pages]**
- 6) Application for Multifamily Housing Project 02/24/11 **[6 pages]**
- 7) Application for Multifamily Housing Project 01/19/11 **[5 pages]**
- 8) Check: Red Mortgage Capital for \$375K 01/19/11 **[1 page]**
- 9) Amended Commitment for Insurance Advances 03/03/11 **[2 pages]**
  - a. Amended Multifamily Summary Appraisal Report **[9 pages]**
  - b. Amended Project Analysis **[5 pages]**
- 10) Firm Commitment 03/02/11 **[5 pages]**
  - a. Amended Multifamily Summary Appraisal Report **[9 pages]**
  - b. Amended Project Analysis **[5 pages]**
- 11) Contractor's and Mortgagor's Cost Breakdown – Schedule of Values (MASTER) 12/01/10 **[2 pages]**
  - a. Shores Land Improvement Worksheet #1 **[1 page]**
  - b. Shores Land Improvement Worksheet #2 **[1 page]**
  - c. Shores Land Improvement Worksheet #3 **[1 page]**
- 12) Contractor's and Mortgagor's Cost Breakdown – Schedule of Values (Type I Construction) 12/01/10 **[1 page]**
- 13) Contractor's and Mortgagor's Cost Breakdown – Schedule of Values (Type III Construction) 12/01/10 **[1 page]**
- 14) Shores Form HUD-2328 Worksheet 12/01/10 **[2 pages]**
- 15) Property Insurance Schedule – Insurable Values for Property Insurance Coverage 01/29/11 **[1 page]**

- 16) Property insurance Requirements **[2 pages]**
- 17) Request for Waiver of Housing Directive (Handbook 4425.1 REV-2 , Ch. 5, Paragraph 5-6) **[1 page]**
- 18) Request for Waiver of Housing Directive (MAP Guide Section 7.15.A.1.a) **[1 page]**
- 19) Request for Waiver of Housing Directive (MAP Guide Section Ch. 6, Section 6.3.C.3b) **[1 page]**
- 20) Request for Waiver of Housing Directive (MAP Guide Section Ch. 7, Section 7.16.F.5) **[1 page]**
- 21) Request for Waiver of Housing Directive (MAP Guide Section Appendix 5A.L.4) **[3 pages]**
- 22) Email: from Majid Tahergorabi to Erich Yost dated 12/08/10 7:39am regarding “Shore: Waiver for Soil Borings” **[2 pages]**
- 23) Request for Waiver of Housing Directive (HUD 207 Lease Addendum Legal Requirements) **[2 pages]**
- 24) Email: from Rebecca Saucedo to Erich Yost dated 12/10/10, 5:10pm regarding “Shores: RR Waiver” **[2 pages]**